

**REMARKS/ARGUMENTS:**

The office action dated August 27, 2007 made final the rejection of claims 1-11 and 13-21 under 35 USC 102(b) as anticipated by Zetts (US 5,404,458); and the rejection of claims 12 and 22 under 35 USC 103(a) as obvious over Zetts in view of Beatty (US 5,537,608). That final office action did not characterize claims 27-30, which were added in the amendment dated June 19, 2007, though the PTOL-326 lists them as rejected.

This amendment amends the independent claims as follows: the subject matter of canceled claim 2 is incorporated into claim 1; the subject matter of canceled claim 14 is incorporated into claim 13, the subject matter of claim 27 is incorporated into claim 21; and the subject matter of canceled claim 30 is incorporated into claim 28. Additionally, dependency of claims 3 and 15 are changed in view of the cancellation of claims 2 and 14; and a minor change is made to the preambles of claims 21-22. No new matter is added, and no new search is required by any of these amendments. Entry is respectfully requested as this amendment puts the claims in condition for issue, as will be detailed below.

Zetts discloses a method and apparatus for distinguishing between different types of input signals simulated by a pointing device (abstract). A first type is distinguished in that a pointing device (stylus) traced across a touch sensitive overlay and the stylus remains in contact with the overlay without moving for the duration of a predetermined 'timeout' period ("motion cessation" in the abstract). The Zetts device recognizes this timeout and enters a mouse emulation mode, such as recognizing the series of points over which the stylus did not move (points 12-35 of Fig. 3) as a 'file' command. (col. 6 lines 37-49). A second type is distinguished in that the stylus is "lifted off" of the overlay prior to expiration of the timeout period, which the Zetts device recognizes as a gesture or character command. After lift-off is detected, the Zetts device reads the gesture or stroke stored in a stroke buffer. (col. 6 lines 55-68). The distinction is concisely described at col. 7 lines 16-29. The stroke, which is recognized as one or the other type of input depending upon whether there is lift-off or motion cessation, is entered on a workspace area 102 of a window 100. Without exception, Zetts is seen to use the first type of input (motion cessation of the stylus for the timeout period) to enter a mouse emulation mode, and the second type of input (stylus liftoff and stroke recognition) for executing a software utility. (see Fig. 4 blocks 128, 130 and 132 and related text at col. 7 line 40 to col. 8 line 6).

Zetts also discloses that within the window 100 there is an action bar 104 with a single menu item "Options" from which a pulldown menu can be made to appear if the user touches that menu item with the stylus (col. 6 lines 23-27 as cited by the office action).

Claim 1 is rejected in view of what is characterized above as Zetts' second type of user input: gestures or strokes. In Zetts, if the character or stroke as entered by the lifted-off stylus and stored in the stroke buffer is recognized, the Zetts device in response invokes a software utility (col. 7 lines 40-47). Mouse emulation mode occurs only with the first type of user input in Zetts, motion cessation of the stylus for a timeout period without liftoff. Claim 1 recites "execute the separate computer command only if the received input matches the stored command character", and the office action characterizes the gesture/stroke recognition of Zetts as anticipating this claim element.

As an initial matter, the office action appears to read Zetts as disclosing a mouse emulation mode for its gesture/stroke recognition aspects. This is not correct; Zetts discloses exactly the opposite. In every Zetts disclosure for mouse emulation, it is only from cessation of stylus motion for the duration of a timeout. For that type of input, the trace of the stylus across the touch overlay and the corresponding stroke in the stroke buffer is irrelevant; Zetts reads from the stroke buffer only after sensing stylus lift-off and dumps that buffer if there is a cessation timeout. The office action notes that Zetts recognizes a series of points as a "file command". It is true that Zetts uses the term 'series of points' at col. 6 lines 44-48 with reference to the 'file' command in mouse emulation mode, but the immediately preceding sentence and Figure 3 prove that this particular 'series of points' are points 12-35 through which the user did not move the stylus. The actual, non-stationary movement of the stylus through spatially distinct points 1-12 of that same disclosure is irrelevant to the 'file' command because the timeout is recognized and so the gesture/stroke through points 1-12 is never recognized as a gesture/stroke. Thus the mouse emulation command is not the result of any gesture or stroke recognition. This is consistently true throughout Zetts.

Now consider the subject matter of claim 2 that is now incorporated into claim 1, which recites specifics of that *separate computer command* that is executed only if there is a match between input and stored character. This element recites that the *separate computer*

*command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command.* If there is to be anticipation, then Zetts must disclose that a recognized gesture/stroke will cause such a submenu to be displayed. Zetts does not disclose such a result and the office action does not assert that it does.

The rejection of now-canceled claim 2 relied upon the single menu item at the action bar 104 of Zetts Fig. 3 and described in text at col. 6 lines 23-27 as anticipating former claim 2 now recited in claim 1. But the pulldown menu from the action bar 104 in Zetts is separate and independent of the gesture/stroke recognition; the pulldown menu is shown when the stylus touches the menu item and there is no gesture or stroke recognition in Zetts, and no series of points across the touch overlay or stored in the stroke buffer.

Additionally, claim 1 recites that the input that is compared to the stored command character is received at a portion of the touch sensitive interface that excludes ANY of the at least one active areas, where the active areas are recited in claim 1 explicitly as comprising an attribute that is one of a scrolling operator, a toolbar icon and a hyperlink. The Zetts action bar is a toolbar and the “Options” of Fig. 3, which results in the dropdown menu showing after being touched, is a toolbar icon. Therefore an input received there is explicitly excluded by claim 1 even prior to this amendment.

For at least those two separate and distinct reasons, claim 1 as amended herein is seen to be allowable over the art.

Beatty is not seen to cure the above shortfalls of Zetts. Even apart from Beatty, it is not obvious to modify Zetts so that a gesture is recognized as a command to display a pulldown menu, because Zetts already includes a pulldown menu by the action bar that requires a single touchdown of the stylus. This avoids complications for mis-recognized gestures/strokes, and no motivation is seen in the prior art by which one of ordinary skill would seek to make such a modification to Zetts.

Claims 13, 21 and 28 as amended herein distinguish for similar reasons as claim 1.

Further, claims 3 and 15 recite that *each of the executable commands of the displayed submenu is a command that operates on the computer generated graphical image* that is displayed at the touch sensitive user interface. Neither Zetts nor Beatty disclose or suggest such a particular submenu. Particularly, Zetts is wholly silent as to what is displayed at the user interface with the touch overlay, or even whether any software invocation, pulldown menu or timeout command is relevant to any displayed image. The office action cites only the Zetts' workspace area 102 of the window 100. For these reasons the rejection of claims 3 and 15 are seen to be improper.

The Applicants respectfully request the Examiner to review the cited art in view of the above detailed arguments and claim amendments, to withdraw the rejections to the remaining claims, and to pass claims 1, 3-13, 15-22 and 28-29 to issue. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted,

  
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